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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,719	09/29/2006	Roland Schutz	4590-579	9398
33308 7590 05/13/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
LEE, ANDREW CHUNG CHEUNG				
ART UNIT		PAPER NUMBER		
2476				
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05/13/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,719

Applicant(s)

SCHUTZ ET AL.

Examiner

Andrew C. Lee

Art Unit

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claim 1 is pending.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regard claim 1, the newly amended claim subject matter "mobile control module" is not disclosed and described in the specification as the application was initially filed. Clarification and appropriate correction are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, the newly amended subject matter "mobile control module" in the preamble is not supported and described explicitly in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was originally filed, see applicants' specification (revised version, dated 2/27/2009) pages 2 and 3, Summary of the Invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US 6714987 B1).

Regarding claim 1, Amin et al. disclose a system for dynamically controlling equipment in a communication system, said system comprising several nodes, said nodes comprising servers, said system taking into account the dynamics associated at least with the mobility of the servers of the nodes, (*Fig. 2, Fig. 3, col. 5, lines 48 – 62, Fig. 9, “mobility manager” interpreted as system taking into account the dynamics associated at least with the mobility of the servers of the nodes, col. 20, lines 23 – 53*), said system comprising at least one mobile control module comprising at least: a control block comprising: a control component ACS for processing authentication of users connected to a network, dynamic configuration of IP addresses, management of authorizations for service requests from users, configuration of the network components according to the authenticated users (*Fig. 2, Fig. 3, Fig. 4, col. 13, lines 7 – 22, col. 15, lines 36 – 52*); a control component LOC for the processing of user affiliation, server mobility, user location and application-oriented service routing (*Fig. 2, Fig. 3, Fig. 4; col.*

11, lines 9 – 24, Fig. 9, col. 20, lines 23 – 53, Fig. 13, col. 21, lines 35 – 60); a control component QSM for processing service quality management on the highways of the network (*"QoS policy and policy enforcement points"*; Fig. 2, Fig. 3, Fig. 4, Fig. 19, col. 27, lines 45 – 55); a block comprising one or more of the following elements: a component for the various user services, the network components, a component for connectivity to the external *entities* (*"establishing and managing voice, paging, short message service (SMS), and circuit and packet data oriented services"*; Fig. 2, Fig. 3; col. 7, lines 31 – 53).

Response to Arguments

6. Applicant's arguments filed on 03/03/2010 with respect to claim 1 have been fully considered but they are not persuasive.

Regarding claim 1, applicants argue "In order to better understand the present patent application, Applicant will refer to the notation used by Amin. Amin uses the NSF and LSF relating to the Network Service Function Layer and Local Service Function. In the present patent application, Applicant does not use NSF functions in the organization that is claimed in the present patent application.

In fact in present patent application, the main idea is to use functions which are decentralized towards the Local Service Function of LSF, and adding to this function the possibility to take into account the topologies being then created. The topology of the network can change or be modified because the mobility of the users connected at t and at t+l.

In the present patent application, the LSF comprises LOC, QSM, ACS and the block comprising the network connectivity for the users and the connectivity towards external units. These functions have characteristics allowing the decentralization of the network functions."

In response to applicants' remark, Examiner respectfully disagrees.

Applicant is reminded that, although the claim is interpreted in light of the specification, limitations from the specification are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue that "In the present patent application, Applicant does not use NSF functions in the organization that is claimed in the present patent application." Examiner respectfully disagrees. Referring to applicants' drawings, Blocks IV (non-IP-S network connectivity: GTW, MGW, TUN, IAD and MAG), and Block III (network: L2P, FRW, L3P, TAD, IPZ and MTG) of Fig. 2 and Fig. 3, respectively are interpreted as network service functions which interface with the block I (system control with ACS, LOC and QSM entities), wherein Block I was acknowledged by Applicants as Local Service Function of LSF.

Applicants then argue Claim 1 has been amended to recite that the control block is mobile. Examiner respectfully disagrees. Since the amended claim subject matter is in preamble and is a new matter that is not described explicitly and supported by the Specification. Hence, Examiner does not give any weight to the amended limitation.

Overall, applicants further argue "the main idea is to use functions which are decentralized towards the Local Service Function of LSF, and adding to this function the possibility to take into account the topologies being then created. The topology of the network can change or be modified because the mobility of the users connected at t and at $t+1$." Examiner respectfully disagrees. Applicants' remark is improper and is irrelevant to the claim subject matters in the claim —the terminologies of "centralized", "decentralized", and timeline " t or $t+1$ " do not appear or mention or disclose implicitly/explicitly in the any context of the Specification. Hence, Examiner contends reference Amin teaches all the limitations as disclosed in claim 1 as the Local service function comprising LOC for the processing of user affiliation, server mobility, user location and application-oriented service routing, see Amin, Fig. 2, Fig. 3, Fig. 4; col. 11,

lines 9 – 24, Fig. 9, col. 20, lines 23 – 53, Fig. 13, col. 21, lines 35 – 60, QSM for processing service quality management on the highways of the network, see Amin, “QoS policy and policy enforcement points”; Fig. 2, Fig. 3, Fig. 4, Fig. 19, col. 27, lines 45 – 55, ACS for processing authentication of users connected to a network, dynamic configuration of IP addresses, management of authorizations for service requests from users, configuration of the network components according to the authenticated users, see Amin, Fig. 2, Fig. 3, Fig. 4, col. 13, lines 7 – 22, col. 15, lines 36 – 52 ; and the block (Network service Function NSF) comprising the network connectivity for the users and the connectivity towards external units.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Bjelland et al. (US 6973054 B2).
- b) Amin et al. (US 20020152319 A1).
- c) Dantu et al. (US 7225238 B1).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476<3Q10::5_11_10>

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art
Unit 2476